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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,299	11/20/2003	Richard Louis Arndt	AUS920030190US1	9780
35525 7590 09/10/2007 IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER OSMAN, RAMY M	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,299	Applicant(s) ARNDT ET AL.	
	Examiner Ramy M. Osman	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is responsive to application filed on November 20, 2003. Claims 1-24 are pending examination.

Drawings

2. The drawings filed on 11/20/2003 are acknowledged and are acceptable.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8,16,24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The wording of the claims make it is unclear whether the "Force Out data element" is part of the received packet, or if it is independent of the packet wherein the channel adapter receives two separate pieces of data (one being the packet and the other being the "Force Out data element").

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-24 rejected under 35 U.S.C. 102(e) as being Kashyap et al by (US Patent No 7,116,673).

7. In reference to claims 1 and 11, Kashyap teaches a method in a logically partitioned data processing system, the method comprising:

receiving a packet in a host channel adapter for a system area network (column 5 lines 27-50 & column 8 lines 35-50);

checking a multicast table in the host channel adapter to determine if a matching entry exists (column 12 lines 1-15); and

forwarding the packet to trusted software in response to a determination that the packet is intended for multicasting and that no matching entry exists in the multicast table (column 12 lines 1-15),

wherein the trusted software forwards the packet to appropriate recipient logical partitions (column 7 line 47 – column 8 line 5).

8. In reference to claim 2, Kashyap teaches the method of claim 1, wherein at least one protocol checking operation of the host channel adapter is bypassed for the purpose of forwarding the packet to the trusted software (column 4 lines 50-60 & column 12 lines 15-40).

9. In reference to claim 3, Kashyap teaches the method of claim 2, wherein the trusted software completes the at least one protocol checking operation on the forwarded packet (column 4 lines 50-60 & column 12 lines 15-40).

10. In reference to claim 4, Kashyap teaches the method of claim 3, wherein the at least one protocol checking operation includes at least one of queue key (Q_key) checking and partition key (P_key) checking (column 9 lines 25-50).

11. In reference to claim 5, Kashyap teaches the method of claim 1, wherein the trusted software includes at least one of a hypervisor and an operating system (column 5 lines 45-55).

12. In reference to claim 6, Kashyap teaches the method of claim 1, wherein the packet is received by the host channel adapter from a system area network fabric (column 5 lines 27-50).

13. In reference to claim 7, Kashyap teaches the method of claim 1, wherein the packet is received by the host channel adapter from an application on a host associated with the host channel adapter and the packet is received by the host channel adapter for the purpose of transmitting the packet over the system area network (column 4 lines 49-65).

14. In reference to claim 8, Kashyap teaches the method of claim 7, wherein in response to the host channel adapter's receiving the packet with a Force Out data element set to a first value, the host channel adapter attempts to transmit the packet to local logical host channel adapters, and in response to the channel adapter's receiving the packet with the Force Out data element set to a second value that is distinct from the first value, the host channel adapter transmits the packet over a system area network fabric (column 4 line 49 – column 5 line 25).

15. In reference to claims 9-16, claims 9-16 are computer program product claims that correspond to the method claims of claims 1-8. Therefore, claims 9-16 are rejected based upon the same rationale as given for claims 1-8 above.

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16. In reference to claims 17-24, claims 17-24 are claims that correspond to the method claims of claims 1-8. Therefore, claims 17-24 are rejected based upon the same rationale as given for claims 1-8 above.

Conclusion

17. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and priority documents) is implied as being applied to teach the scope of the claims.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

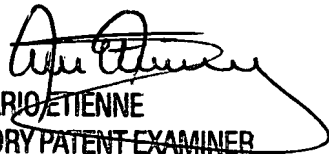
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO

August 26, 2007


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